

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 12-21 are currently pending. By this Amendment, claims 12-15 and 20 have been amended, and new claim 21 has been added. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Time Period for Response to Office Action

Two copies of the present Office Action were mailed to the Applicant. One copy was mailed on February 20, 2008, and a second copy was mailed on February 26, 2008. The Applicant contacted Examiner Zimmermann via telephone on or around March 21, 2008 to discuss the duplicate Actions. Examiner Zimmermann indicated at that time that one of the Actions would be stricken, and indicated that the period for reply would start from the mailing date of the later, February 26, 2008 Office Action. Accordingly, the Applicant respectfully submits that the present Amendment is being timely filed on June 26, 2008 with a **one-month** extension of time. However, should any additional fees be required, please charge the necessary fees to Deposit Account 22-0261, under Order Number 82652-243206, and advise the undersigned accordingly.

Priority

The Office Action acknowledged Applicant's claim for foreign priority to

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PCT/IT04/00192, filed April 8, 2004, and to TO 2003A000303, filed April 17, 2003. However, the Office Action indicated that a certified copy of TO 2003A000303 had not been received by the U.S. Patent and Trademark Office (USPTO), or alternatively, that a certified copy had not been placed in the file. The Office Action therefore requested that the Applicant provide a certified copy of TO 2003A000303 to further prosecution.

The Applicant respectfully submits that a certified copy of TO 2003A000303 has been submitted to the USPTO, as indicated in the Notification of Missing Requirements mailed by the USPTO on August 2, 2006 (see enclosed, highlighted copy). In addition, the USPTO's Patent Application Information Retrieval (PAIR) service indicates that a certified copy of TO 2003A000303 is located in the USPTO's files, as is indicated on the enclosed, highlighted printout from PAIR. Therefore, the Applicant respectfully requests that the USPTO indicate that all certified copies of the priority documents have been received in the next correspondence from the USPTO.

Double Patenting

The Office Action rejected claims 12-15 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, and 5-7 of commonly-owned U.S. Patent No. 7,273,273 to Calvini et al. The Applicant respectfully traverses this rejection. Nevertheless, to expedite prosecution, the Applicant submits herewith a Terminal Disclaimer with respect to U.S. Patent No. 7,273,273. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

Rejections under 35 U.S.C. § 103

(1) The Office Action rejected claims 12-18 under 35 U.S.C. § 103(a) as being obvious over EP 0605183 A2 to Scardovi et al. (“Scardovi”) and U.S. Patent No. 6,766,817 B2 to da Silva (“da Silva”) in further view of U.S. Patent No. 4,614,163 A to Hetzer et al. (“Hetzer”). Claim 12 is the independent claim. The Applicant respectfully traverses this rejection for the following two reasons.

First, neither Scardovi, da Silva, nor Hetzer discloses “a back-flow compartment defining a second volume . . . wherein the second volume defined by the back-flow compartment is dimensioned and configured with respect to the first volume defined by the collection chamber such that, when said station is tilted from said vertical operating position and placed along any side wall of said container in a tilted position on said horizontal plane, or when said station is turned upside down with respect to said vertical operating position, a sufficient amount of said predetermined quantity of ink flows back from said collection chamber to said back-flow compartment to cause said first end of said capillary refilling means to emerge from said ink, whereby any leakage of ink through said second end of said capillary refilling means is avoided,” as recited by claim 12.

The Office Action aligns the claimed “back-flow compartment” with the headspace in Scardovi’s lower chamber 20, with the headspace in da Silva’s water storage compartment 501, and also with the headspace in Hetzer’s ink container 3. The Office Action also aligns the claimed “refilling means” with the element 26 of Scardovi, with the siphon 101 of da Silva, and

with the suction body 25 of Hetzer. However, none of the headspaces identified by the Office Action “defin[e] a second volume . . . dimensioned and configured with respect to the first volume defined by the collection chamber such that, when said station is tilted from said vertical operating position and placed along any side wall of said container in a tilted position on said horizontal plane, or when said station is turned upside down with respect to said vertical operating position, a sufficient amount of said predetermined quantity of ink flows back from said collection chamber to” the headspaces “to cause said first end of said capillary refilling means to emerge from said ink, whereby any leakage of ink through said second end of said capillary refilling means is avoided,” as claimed.

Scardovi, da Silva, and Hetzer are all silent about having a sufficient amount of ink flow into the alleged back-flow compartments when the container is tipped over in order to cause a first end of the element 26, siphon 101, and suction body 25, respectively, to emerge from the ink in order to avoid leakage of ink through a second end of the element 26, siphon 101, or suction body 25. Further, referring to the FIG. 1 of Scardovi, FIG. 5 of da Silva, and FIG. 4 of Hetzer, in each instance, it appears as though the headspaces identified by the Office Action are small enough that the element 26, siphon 101, and suction body 25, respectively, would *remain in contact with ink* if the cartridges were tipped over, thereby making leakage possible.

Moreover, da Silva discloses that leakage through a first end of the siphon 101 is possible, for example, when referring to FIG. 5. Specifically, da Silva states that “[i]f water is refilled at the bottom location 402, the water may achieve a maximum fluid level as indicated by arrow 502, thereby reversing the longitudinal flow 114.” (See da Silva at col. 14, lines 45-48,

FIG. 5.) Hetzer similarly discloses that spilling is possible. For example, Hetzer discloses that in order to avoid spilling of the ink when the container is unintentionally knocked over, an *ink pad* is inserted between the suction body 25 and the writing felt 36. Despite the presence of the ink pad, however, Hetzer discloses that some spilling is still possible, “it takes a relatively long time for the ink pad 26 to be saturated with ink to such an extent that drops detach themselves therefrom.” (See Hetzer at col. 3, lines 14-17.)

In view of the foregoing, the Applicant respectfully submits that no reasonable combination of Scardovi, da Silva, and Hetzer discloses or renders obvious “a back-flow compartment defining a second volume . . . wherein the second volume defined by the back-flow compartment is dimensioned and configured with respect to the first volume defined by the collection chamber such that, when said station is tilted from said vertical operating position and placed along any side wall of said container in a tilted position on said horizontal plane, or when said station is turned upside down with respect to said vertical operating position, a sufficient amount of said predetermined quantity of ink flows back from said collection chamber to said back-flow compartment to cause said first end of said capillary refilling means to emerge from said ink, whereby any leakage of ink through said second end of said capillary refilling means is avoided,” as recited by claim 12.

Second, the Applicant respectfully submits that the combination of da Silva with Scardovi and/or Hetzer is improper, because da Silva *teaches away* from the use of capillary tubes. Claim 12 has been amended to clarify that the “refilling means” is a “capillary refilling means.” The Office Action aligns the previously recited “refilling means” with the element 26 of

Scardovi, with the siphon 101 of da Silva, and with the suction body 25 of Hetzer. The element 26 of Scardovi, and the suction body 25 of Hetzer both function using capillary action. However, the siphon 101 does not use capillary action, and, in fact, da Silva expressly *teaches away* from doing so.

Specifically, according to da Silva, “[t]he present invention, however, *does not rely on capillary tubes*. The discussion of capillary tubes herein is presented for illustrative purposes only and to explain differences between the use of capillary tubes and the methods and systems of the present invention.” (See da Silva at col. 11, lines 39-44 (emphasis added).) Accordingly, the Applicant respectfully submits that any combination of da Silva with Scardovi and/or Hetzer is improper.

The Applicant respectfully submits that claim 12 is patentable over Scardovi, da Silva, and Hetzer for at least the two foregoing reasons. Claims 13-18 depend from claim 12, and are patentable over these references for at least the same reasons.

(2) The Office action rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being obvious over Scardovi, da Silva, and Hetzer, further in view of U.S. Patent No. 6,048,054 A to Ando et al. (“Ando”) and U.S. Patent No. 2,620,499 A to Dressel (“Dressel”). The Applicant respectfully traverses this rejection for at least the following reasons.

Claims 19 and 20 depend variously from claim 12, which as demonstrated above, is patentable over Scardovi, da Silva, and Hetzer. Ando and Dressel do not remedy the deficiencies of Scardovi, da Silva, and Hetzer. Accordingly, the Applicant respectfully submits that claim 12, and its dependent claims 19 and 20, are patentable over Scardovi, da Silva, Hetzer, Ando, and

Dressel.

In addition, the Applicant respectfully submits that Ando does not disclose a “lamina comprising a flexible portion suitable for elastically assuming one or the other of two positions,” as recited by claim 20. Instead, Ando discloses a compensation device comprising a holding portion 50 which “is formed with notches 50' for exchanging air in the replenishing ink cartridge 46.” (See Ando at col. 9, lines 34-37, FIG. 11.) The compensation device according to Ando does not comprise a “lamina comprising a flexible portion suitable for elastically assuming one or the other of two positions,” as claimed.

In addition, the Applicant respectfully submits that Dressel fails to disclose a “compensating device,” as recited by claim 20. Instead, Dressel discloses a “flange 21 which serves as a stop on the top of the cap 15 to prevent the tube from passing completely through the opening in the cap.” (See Dressel at col. 1, lines 15-20, FIG. 3.) Accordingly, Applicant submits that Dressel does not disclose a “compensating device,” as claimed.

New Claim

New dependent claim 21 has been added. Claim 21 depends on claim 12, and recites that “said second end is suitable for directly transferring by capillarity said ink from said collection chamber to said spongy body of said cartridge.” Examination and allowance of new claim 21 is respectfully requested.

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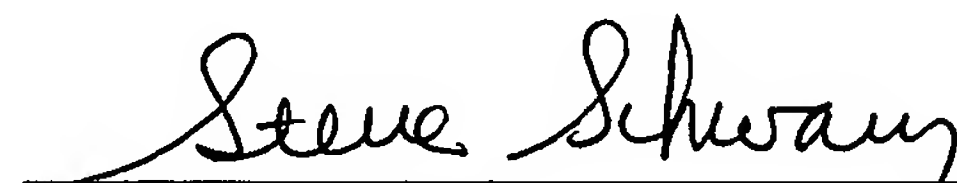
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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Enclosures: (1) Copy of Notification of Missing Requirements mailed August 2, 2006
(2) Printout of PAIR Index from U.S. Application No. 10/553,413
(3) Terminal Disclaimer

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